

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN T. EGAN,)
Plaintiff,)
vs.)
JO ANNE B. BARNHART,)
Defendant.)
Case No. 4:05CV636MLM

ORDER

This matter is before the court on plaintiff's Motion for Attorneys Fees and Expenses under the Equal Access to Justice Act ("EAJA"). [Doc. 16] The defendant responded and does not oppose plaintiff's Motion in the total amount of \$1,509.76 which includes 10 attorney hours at \$125.00 per hour, expenses of \$9.76 and a Filing Fee of \$250.00. [Doc. 17]

The defendant notes that the filing fee is a cost which is distinguished from an expense under the EAJA. 28 U.S.C. § 2412(a). Nevertheless, defendant agrees that plaintiff should be compensated for the \$250.00 filing fee from the Judgment Fund administered by the United States Treasury.

On February 10, 2006 this court entered Final Judgment reversing and remanding this case to the Commissioner of Social Security for further action pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff is therefore the prevailing party and is entitled to attorneys fees under the EAJA. Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Attorneys Fees and Expenses is **GRANTED**. [Doc. 16]

IT IS FURTHER ORDERED that plaintiff be awarded attorneys fees and expenses in the total amount of \$1,509.76 payable to plaintiff's attorney, Elizabeth J. Ituarte of the Law Firm of Kriegel & Ituarte, PC.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of March, 2006.